IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13011 of 2004

Between:

1. Yerra Narsimha Yadav, S/o. Late Ramaswamy,
R/o. Jaffarguda Village, Batasingaram Post, Hayathnagar Mandal,
Ranga Reddy District.
2. Yerra Venkatesh Yadav, S/o. Late Ramaswamy,
R/o. Jaffarguda Village, Batasingaram Post, Hayathnagar Mandal,
Ranga Reddy District.
3. Yerra Malesh Yadav, S/o. Late Ramaswamy,
R/o. Jaffarguda Village, Batasingaram Post, Hayathnagar Mandal,
Ranga Reddy District.

..... PETITIONERS

AND

1 The Commissioner of Police, Cyberabad, Lakdi-ka-Pool,
Hyderabad.
2 The Station House Officer, P.S., Hayathnagar, Ranga Reddy District.
3 Y. Manik Rao, S/o. Late Namdev,
R/o. 1-7-8/2, Chaitanyapuri Colony, Dilsukhnagar, Hyderabad.
4 Y. Chandrakala, W/o. Y. Manik Rao,
R/o. 1-7-8/2, Chaitanyapuri Colony, Dilsukhnagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or orders one in the nature of Writ of Mandamus by declaring the action of the respondent No.2 for interfering in the matter pertaining to civil nature by harassing the petitioners without any reason and on the false complaint made by respondent No.3 and 4 when the civil suit is pending in O.S.770/2004 before the Principal Junior Civil Judge, East and North, Ranga Reddy District in respect of open plot bearing No.132 in Sy.No. 358 and 362 admeasuring 553 square yards

situated at Batasingaram, Hayathnagar Mandal, R.R. District and also for not considering the complaint given by the petitioners dt. 14-7-2004 and 15-7-2004 made to the respondents and declare the same as totally illegal, arbitrary against the principles of natural justice.

Counsel for the Petitioners: MR.SURESH SHIV SAGAR

Counsel for the Respondents 1 and 2 : GP FOR HOME

The Court made the following :

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

The petitioners seek a writ of Mandamus declaring the action of the 2nd respondent in not considering the complaint lodged by them on 14.07.2004 and 15.07.2004 as arbitrary and illegal.

The petitioners state that the respondents 3 and 4 have high-handedly trespassed and constructed a boundary wall in the plot belonging to the petitioners and therefore, on 14.07.2004 they lodged a complaint with the Inspector of Police, Hayath Nagar Police station. It is alleged that the respondents failed to take any action on their complaint, but, on the other hand, the complaint, lodged by the 3rd respondent on all false allegations, has been taken into consideration and a crime was registered. Hence this writ petition.

On behalf of the respondents 1 and 2, the Sub-Inspector of Police, Hayath Nagar police station filed a counter-affidavit stating that no complaint was received from the petitioners on 14.07.2004. However, on the same day a complaint was received

from the 3rd respondent stating that on 13.07.2004 the petitioners have entered into the property forcibly and caused damage to the gate and water rings and on the basis of the same, crime No.324 of 2004 was registered under sections 447 and 427 IPC., and the same is under investigation.

However, the petitioners filed a reply affidavit disputing the version of the respondents 1 and 2 and also specifically pleadinged that the complaint lodged by the petitioners on 14.07.2004 was received by the 2nd respondent on 14.07.2004 itself. An acknowledgement to that effect has been placed before this Court, which shows that the complaint dated 14.07.2004 lodged by the petitioners was received by the concerned officer of the 2nd respondent.

In the circumstances, the plea of the 2nd respondent that there was no complaint from the petitioners cannot be accepted.

Accordingly, the writ petition is disposed of with a direction to the 2nd respondent to consider the complaint of the petitioners dated 14.07.2004 and to take necessary action in accordance with law expeditiously. No costs.

_____

27.10.2004

NOTE: Issue C.C. in three days.

(B/O)

sh

To

1 The Commissioner of Police, Cyberabad, Lakdi-ka-Pool, Hyderabad.
2 The Station House Officer, P.S., Hayathnagar, Ranga Reddy District.
3 2 CCs to the G.P for Home, High Court Buildings, Hyderabad(O.U.T).

4 2 CD copies.